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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

ARTIS E. GORHAM, JR.

Defendant and Appellant.

D056393

(Super. Ct. No. SCD 221594)

APPEAL from a judgment of the Superior Court of San Diego County, Theodore M. Weathers, Judge. Affirmed.

This appeal arises out of Artis E. Gorham, Jr.'s plea of guilty to four counts of selling cocaine base, one count of selling a substance in lieu of a controlled narcotic substance and one count of possession of a controlled substance, and proceeds in accordance with *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

FACTUAL AND PROCEDURAL BACKGROUND

Gorham was charged with the above-referenced counts arising out of several law enforcement "buy/walk" stings that occurred in May and June of 2009. In September 2009, while trial was proceeding against him on these charges, Gorham pled guilty to all six counts and admitted the related enhancement allegations that he suffered a prior strike conviction, a three-year drug prior and five prison priors. As part of the plea, he also agreed to waive certain rights to appeal. The plea agreement indicated that the maximum possible prison sentence was 28 years eight months.

Prior to sentencing, Gorham asked the court to strike his strike prior pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497. At the sentencing hearing, the court dismissed the prison priors, the drug sale priors and the strike prior as to counts 3 through 6 and sentenced Gorham to prison for 12 years eight months, as follows: count 1—six years (low term, doubled for the strike); count 2—two years eight months (1/3 the four-year mid-term, doubled), consecutive; count 3—one year four months (1/3 the four-year mid-term), consecutive; count 4—one year four months (1/3 the four-year mid-term), consecutive; count 5—eight months (1/3 the two-year mid-term), consecutive; and count 6—eight months (1/3 the two-year mid-term), consecutive. The court ordered Gorham to pay a \$1,200 restitution fine, a \$1,200 parole revocation restitution fine (suspended unless parole was revoked) and a \$180 criminal conviction assessment. Gorham received 207 days of custody credit (139 actual days, plus 68 conduct credits pursuant to Pen. Code, § 4019).

Based on Gorham's waiver of his appellate rights, the issues that can be raised on appeal are limited to the sentence imposed or other matters occurring after the plea (other than issues involving prior strike convictions). Gorham's appellate counsel has filed a brief indicating that she has been unable to identify any argument for reversal and instead asks this court to review the record for error as mandated by *People v. Wende, supra*, 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*), the brief identifies three issues as possible, but not arguable, on appeal: (1) whether Gorham's guilty plea was constitutionally valid; (2) whether Gorham was properly advised of the consequences of a guilty plea; and (3) whether the superior court abused its discretion in imposing the sentence.

This court invited Gorham to file a brief on his own behalf, but he did not respond. In light of the recent amendments to Penal Code section 4019, we invited the parties to brief the issue of the impact of those amendments on the sentence imposed. Both parties submitted supplemental briefs.

DISCUSSION

We have reviewed the record in accordance with *Wende* and *Anders* and not found any reasonably arguable appellate issues. Competent counsel has represented Gorham on this appeal.

DISPOSITION

The judgment is affirmed.

IRION, J.

WE CONCUR:

BENKE, Acting P. J.

HALLER, J.